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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/737,421

12/16/2003

Wolfgang Burkhardt

AO720B

6313

7590

02/11/2005

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EXAMINER

PHAN, THANH S

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/737,421

Applicant(s)

BURKHARDT ET AL

Examiner

Thanh S Phan

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/16/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the functional language lacks the necessary supports from the claimed structures to provide the completeness of the claimed functionality of the claimed language. In claims 1 and 6, applicant claimed a frame; at least two physically separable printed circuit boards in conjunction with other structure, but lacks the component of how/what is needed to changed or modified "by a removal of the second circuit board..."

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1 and 6, the last two paragraphs recited "wherein the functionality of the electronic device **can be** changed...whereby the first printed circuit board **need not be** removed..." It is unclear if the applicant intended is that the functionality of the electronic device is "changed" or unchanged, and the printed circuit board is "removed" or not removed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2841

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacNak et al. [US 4,817,196] in view of Scharz [US 5,210,722].

Regarding claims 1, 5, 6, MacNak et al. disclose an electronic device [figure 3] that includes functionality to perform at least two functions, a first of which is at least timekeeping and the other of which is at least a function other than timekeeping, wherein the electronic device comprises a multilayered module comprising: a frame [case 20] having a frame surface; at least two physically separable printed circuit boards [62, 64], the first of which includes means related to at least the timekeeping and the second of which includes means related to at least the function other than timekeeping, wherein the first printed circuit board is intermediate the frame surface and the second printed circuit board [column 5 lines 10-37]; wherein the first and second printed circuit boards are securable within the module [figure 3].

MacNak et al. disclose a battery to provide power supply but not explicitly disclosed a compartment dimensioned for receiving the battery, wherein the battery compartment is asymmetrically positioned within the module thus creating a region above a printed circuit board and proximate the battery compartment.

Schwartz discloses an analog timepiece comprising a compartment dimensioned for receiving a battery [11], wherein the battery compartment is asymmetrically positioned within the module thus creating a region above a printed circuit board [11] and proximate the battery compartment.

Art Unit: 2841

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the battery compartment design of Schwartz with MacNak et al. for the purpose of facilitating power to circuit arrangement within a compact space.

Regarding claims 2-4, MacNak et al. disclose that the first and second printed circuit board is housed within the case 20 except for explicitly labeled at least one support members and its arrangement [physical or circuits and/or means for electrical connection] for supporting the circuit boards.

It would have been obvious that at least one support members is arranged accordingly within the case for supporting the boards to perform chronographic functions.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stotz [US 2004/0237319]; Stern [US 2003/0210612]; Ueno et al. [US 2003/0016315].


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2841

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tsp



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